

SENATOR DWORAK: Under the terms of this particular bill in the context of the performance audit, if this committee would specify that the State Department of Education will comply and they chose not to comply, with the amendment that you are inserting right now they would not be mandated to comply. That is, in fact, the intent of your amendment.

SENATOR F. LEWIS: Comply with whom?

SENATOR DWORAK: Comply with the terms of LB 193.

SENATOR F. LEWIS: If a three man committee told them to go out and do something that was not within legislative intent, would they comply? I doubt it. I'm not willing to give a three man committee in this Legislature that kind of authority for anything.

SENATOR DWORAK: It is my understanding that this is primarily the Appropriations Committee. I don't understand the three man committee. But as I understand this is an official committee of the Legislature, standing committee of the Legislature with the responsibility of appropriations. Maybe I misunderstand the bill. I haven't studied it in that depth.

SENATOR F. LEWIS: Let me read it to you, Senator Dworak, in case you haven't studied it. This is for your information. "There is hereby established the Performance Review Committee of those members of the Legislature who are members of the Appropriations Committee," which is more than a three man committee but listen to this. "The Speaker of the Legislature and the Chairman of the Executive Board of the Legislature".

SENATOR DWORAK: But we're not circumventing the normal appropriation process because the total Appropriations Committee is plugged into this, which is their rightful responsibility. The only thing we're adding to it is the Speaker and the Chairman of the Exec. Board. I don't really see the intent of your amendment other than to allow one agency to say no, we're not going to do it. That is the only thing I can see from the intent of your amendment. I don't see any reason why, if this concept is sound, any one agency should be treated like any other agency.

SENATOR F. LEWIS: I'll certainly have remarks later. I don't know if that was a question, Mr. Chairman. If it was, I wasn't able to decipher what it was, so obviously I could not respond.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: If my memory serves me right the Executive Board, this past summer, asked the State Department of Education for cooperation in determining the administration of a program mandated by this Legislature. I believe the man's name was Trupp, a Deputy Administrator in the Department of Education who sat before that body. His response to every question they asked was "I do not have the authority to answer that question". It got so provoking that ultimately Senator Cavanaugh asked him with no more authority than the Department of Education had given him to respond to the requests of the Legislature, what was he doing in the chair. Tell me not about the desire of those people to cooperate. He